

SC NAACP v. Alexander,
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

Exhibit 3

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP,

and

TAIWAN SCOTT, on behalf of
himself and all other
similarly situated persons,

Plaintiffs,

v.

CASE NO.: 3:21-cv-03302-JMC-TJH-RMG

HENRY D. MCMASTER, in his official
Capacity as Governor of South Carolina;
HARVEY PEELER, in his official capacity
As President of the Senate; LUKE A.
RANKIN, in his official capacity as
Chairman of the Senate Judiciary
Committee; JAMES H. LUCAS, in his
official capacity as Speaker of the
House of Representatives; CHRIS MURPHY,
in his official capacity as Chairman
of the House of Representatives
Judiciary Committee; WALLACE H. JORDAN,
in his official capacity as Chairman
of the House of Representatives
Elections Law Subcommittee; HOWARD KNABB,
in his official capacity as interim
Executive Director of the South Carolina
State Election Commission; JOHN WELLS,
JOANNE DAY, CLIFFORD J. ELDER,
LINDA MCCALL, and SCOTT MOSELEY,
in their official capacities as
members of the South Carolina State
Election Commission,

Defendants.

TRANSCRIPTION OF PROCEEDINGS
Wednesday, January 19, 2022

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1
2 SENATOR RANKIN: All right, guys. Ladies and
3 gentlemen, Madam Court Reporter, welcome back. We are
4 going to start this out of orderly called meeting,
5 obviously, due to our delay yesterday. And glad to
6 see everybody's here with us and the sun's shining.
7 Maybe there's a little ice on the road in upstate, I
8 don't know.

9 But we will now start the full judiciary
10 committee with the single purpose of taking up the
11 congressional redistricting plan. And so, hopefully,
12 before us today will be two options, which the
13 subcommittee last Thursday advanced both to the full
14 committee for debate and consideration.

15 And so rather than restate the long, long
16 recitation of what has happened with this entire
17 subject beginning in August until today, I will
18 dispense with that and we will go right into the bill
19 itself.

20 And correct me if I'm wrong, but we have a shell
21 bill 966, which is what we introduced last week to
22 effectively receive and amend whatever we adopt here
23 today and to get that up and on the floor.

24 There was a -- and there still is a court
25 deadline effectively, but we're, again, loosely

1 adhering to that, which required at its initial stage
2 that we had to -- the House and Senate had to come to
3 a resolution with a plan by yesterday, the 18th.

4 That deadline does not appear to be hanging over
5 us here. But nonetheless, we do plan to get this bill
6 out of this committee and to the floor and hopefully
7 see what happens there and get it back to the House.

8 And so that, procedurally, kind of a little
9 history of where we are and what our intentions are.
10 (Indiscernible) your question.

11 SENATOR HUTTO: I can -- these are really long.
12 Is there just a picture? Do you have the pictures to
13 go along with this?

14 SENATOR RANKIN: There are pictures. And those
15 pictures, which is a plan, a map --

16 SENATOR HUTTO: Yeah, yeah, the map.

17 SENATOR RANKIN: -- is what you're talking about.

18 SENATOR HUTTO: That's what I'm asking about.

19 SENATOR RANKIN: That's -- that was produced on
20 our website, and it is in your notebook as well.

21 SENATOR HUTTO: It's in the notebook. Okay.

22 SENATOR RANKIN: Yeah. And so there are two
23 options there: Amendment 1 and Amendment 2 and/or 2A,
24 I guess. So we'll jump into those in a second.

25 But bottom line, again, our goal is to -- with

1 this shell bill, and then we're going to turn it over
2 to the subcommittee members with their competing plans
3 for our consideration today. Obviously, have the
4 election for these districts set and beginning in 22.
5 We provide for the repeal of the current congressional
6 districts, except that they would be continuing in
7 effect for filling vacancies.

8 Third, the President, the Senate, and Speaker
9 have an unconditional right to intervene in any state
10 or federal court action concerning these, provide
11 intervening or participating litigation would not be a
12 waiver of our privilege. 24-hour notice from the
13 Attorney General of a complaint concerning the valid
14 -- validity, excuse me, of this act.

15 Then we authorize and empower the President, the
16 Speaker, again, to employ attorneys for this
17 litigation in the defense of our legislative or
18 congressional districts.

19 And then, similarly, authorize the President or
20 the Speaker to participate in the litigation regarding
21 the redistricting.

22 Again, this is -- this -- this -- effectively,
23 the shell bill of what we have before us. And now, we
24 have in your notebooks six tabs, obviously, plan -- a
25 House plan, the Senate Amendment 1 and Senate

1 Amendment 2 and 2A.

2 So Senator Campsen, as the author of Senate
3 Amendment 1 at our subcommittee, I'm going to turn it
4 over to Senator Campsen Now to discuss that, and then
5 we'll turn it over to Senator Harpootlian on the other
6 side.

7 So Senator Campsen.

8 SENATOR KIMPSON: (Indiscernible), Mr. Chairman.

9 SENATOR RANKIN: Senator Kimpson?

10 SENATOR KIMPSON: Thank you, Mr. Chair. If -- if
11 the Senator could just refer to the tab, if we could
12 just have reference to the tab numbers as we discuss
13 these plans, I'd appreciate it. Thank you.

14 SENATOR RANKIN: Very good. It looks like you
15 might be in our building. Are you quarantining from
16 one of us in particular or maybe you're not in our
17 building.

18 SENATOR KIMPSON: I am in the building. I'm just
19 following some protocol. You know, I -- we -- I
20 believe in medicine and the science, and we've got a
21 jam-packed room.

22 SENATOR RANKIN: Okay.

23 SENATOR KIMPSON: I'm taking precautionary steps
24 to make sure that my children are not exposed to
25 COVID.

1 SENATOR RANKIN: Not quibbling with that. You've
2 got the notebook, though, right?

3 SENATOR KIMPSON: (Nodding affirmatively.)

4 SENATOR RANKIN: Okay. Good. All right.
5 Senator Kimpson.

6 SENATOR MALLOY: Mr. Chair, I have a question.

7 SENATOR RANKIN: Senator Malloy.

8 SENATOR MALLOY: So the -- the status that we --
9 that we're in now with this -- with this bill, I just
10 want to make certain that I understand. So we -- so
11 we have the shell that's here before us now, correct?

12 SENATOR RANKIN: Correct.

13 SENATOR MALLOY: We have a bill that's returned
14 from the House on the floor. Is that the same bill?

15 SENATOR RANKIN: It's a Senate bill they returned
16 to us. That is a different number. Is it 860?

17 UNIDENTIFIED SPEAKER: 865.

18 SENATOR MALLOY: 865.

19 SENATOR RANKIN: Yeah.

20 SENATOR MALLOY: So -- and so the -- so the plan
21 is then to -- to try and pass this bill, but use that
22 as a vehicle?

23 SENATOR RANKIN: Correct.

24 SENATOR MALLOY: Okay.

25 SENATOR RANKIN: We would amend the Senate bill

1 with whatever we adopt here and on the floor and then
2 take that off and send that back to the House.

3 SENATOR MALLOY: Okay. And so -- and so the --
4 the only two measures that we have in front of us
5 today is a measure that we have from the Senator from
6 Charleston and the senator from Richland that would be
7 amending this shell bill so that we can have the --
8 the ability for this committee, 23 of us --

9 UNIDENTIFIED SPEAKER: (Indiscernible).

10 SENATOR MALLOY: Excuse me.

11 UNIDENTIFIED SPEAKER: Yeah.

12 SENATOR MALLOY: We have the -- the 23 of us to
13 then -- to then adopt, make it a committee -- possibly
14 make this a committee report. Then -- then at some
15 point in time have the committee report attached to
16 the bill in the Senate. Is that -- the bill in the
17 Senate.

18 UNIDENTIFIED SPEAKER: As passed by the House,
19 yeah.

20 SENATOR MALLOY: And return from -- from the
21 House that's -- that's already on our calendar.

22 UNIDENTIFIED SPEAKER: Correct.

23 SENATOR MALLOY: Okay. And so pardon the
24 inquiry, those are the only two amendments that we
25 have on the -- on the bill here in this committee

1 for --

2 SENATOR RANKIN: For today's purposes, yes.

3 UNIDENTIFIED SPEAKER: One is the amendment to
4 (indiscernible), and then there's two (indiscernible)
5 amendments.

6 SENATOR MALLOY: Okay. And so do we have -- do
7 we know whether or not we have any amendments that are
8 on the bill that is on the floor?

9 UNIDENTIFIED SPEAKER: Not yet.

10 SENATOR MALLOY: We don't -- not yet or there is
11 nothing yet?

12 UNIDENTIFIED SPEAKER: There's nothing yet.

13 SENATOR MALLOY: Okay. And so the report is that
14 there's no amendments on the floor, so I'm trying to
15 see how you mesh all of this in together to make
16 certain that we can have a process and procedure so
17 that we -- I can adequately follow it.

18 And then -- and then so both of these amendments
19 that we have from the people that were on the
20 committee, correct?

21 SENATOR RANKIN: Correct.

22 SENATOR MALLOY: Okay. All right. Thank you.

23 SENATOR RANKIN: All right. Senator Campsen.

24 SENATOR HARPOOTLIAN: Chairman, could I make one
25 further (indiscernible) the Senator from Darlington

1 raised? So the House bill sent back over is -- is not
2 going to be the vehicle --

3 SENATOR MALLOY: It's the Senate bill.

4 SENATOR HARPOOTLIAN: Oh, it's the Senate bill
5 returned from the House?

6 SENATOR MALLOY: Correct.

7 SENATOR HARPOOTLIAN: Okay. That's -- I wasn't
8 clear on that. I just wanted to make sure. Okay.
9 Great.

10 SENATOR RANKIN: Senator Campsen.

11 SENATOR CAMPSSEN: Thank you, Mr. President. What
12 I'm about to explain can be found behind Tab 4.
13 That's the Senate Amendment 1 to the House judiciary
14 plan.

15 This amendment to the House judiciary plan
16 restores key aspects of the senate staff plan and is
17 intended to be responsive to some of the public input
18 received by the subcommittee.

19 The amendment keeps 36 counties whole and splits
20 13 VTDs. In the Midlands, the amendment restores the
21 split in Orangeburg County, as drawn in the Senate
22 staff plan, and keeps Calhoun County whole as in the
23 House version.

24 In Richland County, St. Andrews and the Broad
25 River Corridor are moved back to the Sixth District in

1 the amendment. The amendment also follows the
2 boundaries between Senate Districts 21 and 22 in
3 dividing -- as the dividing line between Congressional
4 Districts 2 and 6 in Eastern Columbia.

5 In the Lowcountry, the -- in the amendment
6 Jasper, Beaufort, and Colleton counties are -- are
7 kept as drawn in the House judiciary plan with
8 Hardeeville in southern Jasper County and -- in
9 District 6 and all of Beaufort County in the First
10 District.

11 In Charleston County, the amendment follows
12 natural geographic boundaries such as the Stono River
13 and Wadmalaw sound, adding approximately 16,000 people
14 in Wadmalaw Island and Johns Island to the First
15 District, moving them from the Sixth.

16 The entire peninsula of North Charleston are in
17 the Sixth Congressional District with the Cooper River
18 as a natural boundary between the First and the Sixth.

19 The West Ashley portion of Charleston County is
20 also whole in Congressional District Six, separating
21 West Ashley from James Island and Johns Island
22 following the Stono River.

23 Rural areas in western Dorchester County moved
24 from the First District to the Sixth in the amendment,
25 along with the West Ashley portion of Dorchester

1 County. Ridgeville remains in the Sixth District as
2 drawn in the House judiciary version of the plan.

3 More of a rural Berkeley County -- more of rural
4 Berkeley County around Lake Moultrie is added to the
5 First District moving it from the Sixth.

6 And you have a picture of the -- of the plan
7 behind Tab 4.

8 SENATOR RANKIN: All right. Any questions?

9 SENATOR HUTTO: I have one.

10 SENATOR RANKIN: Senator Hutto.

11 SENATOR HUTTO: So I've seen several maps that --
12 that keep Charleston whole or at least keep Charleston
13 and Columbia out of the same district. It just seems
14 to me with the three major metropolitan areas that you
15 shouldn't have one congressional district that spans
16 two of those metropolitan areas.

17 Can you speak to that? I mean, why would we draw
18 a district that's got Charleston and Columbia in the
19 same district?

20 SENATOR CAMPSER: Well, that district is really
21 still the -- kind of was drawn in the 1990s
22 originally, the genesis of this district. It's been
23 changed over time. Was reaffirmed in 2012 in the
24 Bacchus decision.

25 And the issue is you have so much population in

1 the urban areas that you -- you need to -- you need to
2 use that population. It's hard to keep that
3 population whole.

4 You have -- you have Spart --
5 Greenville/Spartanburg is split. Columbia's split.
6 All the major -- major metropolitan areas really are
7 (indiscernible).

8 SENATOR HUTTO: You're talking about county is
9 split.

10 SENATOR CAMPSSEN: Right.

11 SENATOR HUTTO: But Greenville and Spartanburg
12 are whole within the Fourth, the cities. Why can't
13 the City of Charleston be in one and the City of
14 Columbia be in a separate one? Why do they need to be
15 in the same one?

16 SENATOR CAMPSSEN: Well, we're following -- this
17 is a -- you know, a least amount of change with
18 regards to that dynamic of the Sixth District.

19 SENATOR HUTTO: All right. So -- so you're
20 saying -- saying that they -- we're just following the
21 least change mode as opposed to --

22 SENATOR CAMPSSEN: No, I'm saying --

23 SENATOR HUTTO: And I understood our
24 parameters --

25 SENATOR CAMPSSEN: I'm saying that's one --

1 SENATOR HUTTO: -- for trying to keep cities
2 whole.

3 SENATOR CAMPSSEN: I'm saying that is one -- that
4 is one factor.

5 SENATOR HUTTO: All right. But isn't another
6 factor to try and keep --

7 SENATOR CAMPSSEN: Constituent consistency is what
8 (indiscernible).

9 SENATOR HUTTO: Right. Okay. Thank you.

10 SENATOR RANKIN: Senator Kimpson.

11 SENATOR KIMPSON: Yes. Thank you, Mr. Chairman.
12 Senator, can you just -- can you just explain to me
13 the change in BVAP from the current way the lines
14 exist versus this proposal? Do you understand the
15 question?

16 SENATOR CAMPSSEN: Yeah. The current -- the
17 current is 51 percent, and the map is 45 percent.

18 UNIDENTIFIED SPEAKER: In the Sixth.

19 SENATOR CAMPSSEN: In the Sixth.

20 SENATOR KIMPSON: Oh, the current -- and I'm
21 talking about with respect to District 1.

22 SENATOR CAMPSSEN: Oh, with District 1.

23 SENATOR KIMPSON: Yeah, and (indiscernible) --

24 SENATOR CAMPSSEN: If I'm correct --

25 SENATOR KIMPSON: (Indiscernible) the map, the

1 black voter participation under the current map change
2 are (indiscernible).

3 SENATOR CAMPSSEN: It's -- the BVAP in the First
4 goes from 16.56 to 16.72.

5 SENATOR KIMPSON: So currently on 16 --

6 SENATOR CAMPSSEN: So virtually unchanged.

7 SENATOR KIMPSON: Okay.

8 SENATOR CAMPSSEN: Virtually unchanged.

9 SENATOR KIMPSON: So currently, it's 16.5
10 percent. Under the new map, it would be 16.7 percent
11 under your proposal, correct?

12 SENATOR CAMPSSEN: Correct.

13 SENATOR RANKIN: Senator Stephens.

14 SENATOR STEPHENS: Senator, looking at your map,
15 your amended -- your amendment, looking at BVAP and
16 WVAP, it appears, though, in the Sixth Congressional
17 District, WVAP is 44.5 and BVAP is 45.9.

18 What's the -- what's the -- what's the premise
19 behind that, understanding that the Sixth
20 Congressional District was basically a minority drawn
21 district.

22 With this map, you will practically lose about --
23 when you're going from 51 percent BVAP to 40, 45,
24 you're talking about a 6 percent decrease in the --
25 the voter population of African Americans.

1 SENATOR CAMPSSEN: Well, it goes from -- it goes
2 from 51.4 to 45.9 is what it does. And it's -- it's
3 because you had to shed 100,000 voting age population
4 because of population grows -- growth.

5 SENATOR STEPHENS: And is a great number of
6 that -- as I look at -- I'm looking back and forth
7 between the two maps. Looking at the -- I guess you
8 can call it the eastern side of Berkeley County is
9 where you picked up quite a few voters on your -- on
10 this particular map, if I'm looking at it right.

11 SENATOR CAMPSSEN: On the -- say that again, on
12 what?

13 SENATOR STEPHENS: Okay. On your --

14 SENATOR CAMPSSEN: Where?

15 SENATOR STEPHENS: On your amended map, I'm
16 looking at Berkeley County and the addition of the
17 eastern side of Berkeley County added into -- well,
18 taken away, actually, from District Number 6 and now
19 reside in District Number 1. Is that correct from
20 what I'm seeing?

21 SENATOR CAMPSSEN: Yes.

22 SENATOR STEPHENS: And not looking at the numbers
23 yet, but do you know off the top of your head how
24 many -- what the population shift from -- from that
25 area? I think that's -- that's one of the fastest

1 growing areas in the --

2 SENATOR CAMPSSEN: I can tell you districtwide. I
3 don't have it at the top of my head as far the --
4 districtwide it was 100,947 voting age population went
5 from the First to the Sixth.

6 SENATOR STEPHENS: And was the premise behind
7 this amendment to make the district more competitive?
8 And I'm talking about District Number 6 and District
9 Number 1.

10 SENATOR CAMPSSEN: Now, the goal was to adhere to
11 our redistricting principles, which include continuity
12 of representation, constituent consistency, following
13 geographic boundaries.

14 Like on the amendment that I offered there, the
15 following of geographic and boundaries was a -- a
16 major change that -- an improvement that we've made
17 from what the House passed.

18 SENATOR STEPHENS: So with that being said, do we
19 not think that the southern part of Colleton County
20 and Jasper County need to be given the same
21 consideration, as I see that they went from the Sixth
22 Congressional District to the First Congressional
23 District? It's just a question.

24 SENATOR CAMPSSEN: Well, you have -- you --
25 another principle is -- is communities of interest,

1 and you do have along -- along that coastline, you do
2 have communities of interest, communities in those
3 counties dealing with similar issues like flooding and
4 hurricanes and beach re-nourishment and things like
5 that.

6 And that also is the -- the set -- the First
7 District traditionally has -- has gone down into that
8 area of Colleton and -- and Beaufort Counties and
9 Jasper.

10 SENATOR STEPHENS: Okay. Thank you, Senator.
11 Thank you, Mr. Chair.

12 SENATOR RANKIN: Senator Margie Bright Matthews.

13 SENATOR MATTHEWS: Thank you, Mr. Chair. Senator
14 Campsen, just a couple of questions looking at your
15 map. You -- can you just, for those people who might
16 not know this, tell us the areas in the Lowcountry
17 that you represent. And with that, explain why it is
18 important that you have a -- you represent a community
19 of interests in your senate district. Just give us an
20 overview of your areas.

21 SENATOR CAMPSSEN: Yeah, well, I represent parts
22 of Charleston, Colleton, and Beaufort Counties.

23 SENATOR MATTHEWS: And you were --

24 SENATOR CAMPSSEN: And I represent the -- the
25 coastal port -- portions, largely, although inland

1 portions in -- in Mount Pleasant -- although Mount
2 Pleasant is -- is certainly near the coast or on the
3 harbor, and down to Port Royal Sound. So my -- my
4 Senate district goes from Bulls Bay down to Port Royal
5 Sound.

6 SENATOR MATTHEWS: And one of the tenets of your
7 representation of this area is primarily you scan an
8 area that basically are on the coastline and represent
9 communities of interests that would be concerned with
10 conservation in that area, as well as all of the
11 things that you deal with as chair of the committee ag
12 -- not agriculture.

13 SENATOR CAMPSEN: Fish, Game and --

14 SENATOR MATTHEWS: Fish -- I should not call it
15 feathers and whatever committee, but Fish, Game, and
16 Forestry committee. Those are things that are
17 important. Other things are important, but those are
18 things that are important to your constituents in your
19 senate district, correct?

20 SENATOR CAMPSEN: That's correct, yes.

21 SENATOR MATTHEWS: And that is why when
22 advocating for the way that you wanted to make sure
23 that your -- your senate district continued in the --
24 after this last census evaluation, you wanted to make
25 sure that your communities of interest remained the

1 same, correct?

2 SENATOR CAMPSSEN: Yes.

3 SENATOR MATTHEWS: And so you would agree that we
4 -- when this subcommittee, when we looked at the
5 congressional maps, particularly in our area, the area
6 that you and I -- we serve on a lot of the same
7 delegations in the Lowcountry, you would agree that
8 one of the primary things that we started out in -- in
9 our subcommittee when looking at the numbers, you
10 would agree that we saw very clearly from the census
11 that the middle of South Carolina, the inland portions
12 of South Carolina, we saw a pattern of them losing
13 census numbers as opposed to gaining.

14 SENATOR CAMPSSEN: That's correct.

15 SENATOR MATTHEWS: And you would agree that in
16 areas up near York County, you would also agree that
17 areas near Greenville, Georgetown, Horry, Charleston,
18 and Jasper showed a significant pattern of having --
19 being areas that experienced the greatest number of
20 increase in population? You would agree with that?

21 SENATOR CAMPSSEN: Yes.

22 SENATOR MATTHEWS: And you would also agree that
23 considering the pattern there, that the Lowcountry,
24 particularly those areas such as Jasper County, Sun
25 City area, Beaufort, Hilton Head, you would agree that

1 Charleston, Georgetown, Myrtle Beach had the greatest
2 degree of increase in population because of an influx
3 of folks to the Lowcountry?

4 SENATOR CAMPSSEN: Horry County had the largest
5 growth by --

6 SENATOR MATTHEWS: Correct.

7 SENATOR CAMPSSEN: -- a wide margin.

8 SENATOR MATTHEWS: Yeah, I get that. What I'm
9 saying is generally there was a pattern there that
10 people wanted to be on the water?

11 SENATOR CAMPSSEN: That's correct.

12 SENATOR MATTHEWS: Okay. Now, what I am having
13 -- and you would agree that there's a content --
14 contiguity issue as it relates to an analysis of what
15 we have to go to -- go through in redrawing or either
16 amending the maps? Was there -- is that true?

17 SENATOR CAMPSSEN: Yes.

18 SENATOR MATTHEWS: Was there a significant
19 consideration that you felt that needed to be -- that
20 we placed as a priority at the initial outset of
21 redrawing these maps that we were going to leave -- we
22 wanted to leave representation as it was because
23 wasn't that one of the primary things that the League
24 of Women Voters, as well as a lot of other folks that
25 came to us and said, hey, we want to make sure that

1 community of interests work together, not necessarily
2 protecting the same elected folks that represented an
3 area. Isn't that right?

4 SENATOR CAMPSSEN: Well, that is one of the
5 issues. Continuity of representation is one of the
6 issues.

7 SENATOR MATTHEWS: As you sit --

8 SENATOR CAMPSSEN: (Indiscernible) principles.

9 SENATOR MATTHEWS: -- here today, which do you
10 think is most important, making sure that a district
11 remains the same or following the flow of the census
12 data?

13 SENATOR CAMPSSEN: Well, one -- they -- one is no
14 more important than the other. There is a panoply or
15 redistricting principles that are brought to bear.
16 And there has to be -- there's no -- there's equal
17 weight with regards to these principles that you're
18 referring to.

19 SENATOR MATTHEWS: In your opinion, there is --

20 SENATOR CAMPSSEN: Well, not --

21 SENATOR MATTHEWS: -- equal weight?

22 SENATOR CAMPSSEN: -- when it comes to certain
23 issues like Voting Rights Act and things like that,
24 but when it comes to communities of -- communities of
25 interest.

1 SENATOR MATTHEWS: Well, Senator, I -- I'm in
2 Colleton County. You represent a portion of Colleton
3 County. I also represent Hampton and Jasper, as well
4 as Charleston. I do not represent Berkeley.

5 But I sat, as you did, through several hours'
6 worth of public hearings. And I seem to remember, as
7 I took copious notes like yourself, that we had
8 speaker after speaker -- and I understand some folks
9 have gotten together and had folks to send in written
10 comments.

11 But I sat through and I listened over and over to
12 a lot of the folks that came before our committee that
13 said, number one, they wanted to keep Charles -- they
14 thought that the -- one of the proposed maps that kept
15 Charleston whole went along with the principle of
16 keeping that community of interest together. Did --
17 were you present at those hearings?

18 SENATOR CAMPSSEN: Well, I've heard that and I've
19 also heard people say they -- they'd rather have two
20 congressmen representing them than one.

21 SENATOR MATTHEWS: I heard that --

22 SENATOR CAMPSSEN: Because two advocates are
23 better than one. I've heard that principle, too.

24 SENATOR MATTHEWS: I had -- I heard that from a
25 couple of people. It seems like we had people in

1 Berkeley County wanting to be aligned with Charles --
2 be in the same congressional district as Charleston.
3 But they didn't necessarily say anything about the
4 congressman they would have. It seems like they
5 wanted to be with Charleston because of an economic
6 alliance agreement that they had in place. And --

7 SENATOR CAMPSSEN: Well, there is -- there is --
8 as you know, there's the tri --

9 SENATOR MATTHEWS: That has --

10 SENATOR CAMPSSEN: It's been referred to as the
11 tri-county area for decades, and so they're
12 economically inter --

13 SENATOR MATTHEWS: But we --

14 SENATOR CAMPSSEN: -- twined.

15 SENATOR MATTHEWS: Follow me if you would. I
16 heard Berkeley kept saying that they liked the fact
17 that they were in an economic alliance, and that was
18 basically members of county -- different county
19 councils and town councils that said those things.

20 But we didn't hear Charleston saying that they
21 needed -- they thought that they had a community of
22 interests in common with Berkeley. It seems like one
23 loved the other one, but the other one -- the love
24 wasn't necessarily returned.

25 SENATOR CAMPSSEN: I -- I -- that's not my

1 recollection. In fact, if you look at the tri-county
2 area, you have untold number of public and private
3 entities that even refer to themselves. The
4 Tri-County Chamber of Commerce, the Tri-County Board
5 of Realtors, the --

6 SENATOR MATTHEWS: Well, we have --

7 SENATOR CAMPSEN: -- Tri-County Council of
8 Governments and -- because they're -- because they're
9 an economic engine that are inextricably intertwined,
10 so.

11 SENATOR MATTHEWS: Okay. So if we follow that
12 economic engine, we have the Southern Carolina
13 Alliance that has Beaufort, Jasper, Colleton, Hampton,
14 Bamberg, Barnwell. So if we follow that economic
15 alliance analysis, then we're going to say that we're
16 going to move the Second into that, and because that's
17 the same -- that's -- that's the same economic
18 alliance.

19 What I'm trying to say is throughout the state of
20 South Carolina, there are a lot of alliances for
21 different reasons, mostly economic. My -- my biggest
22 problem here is, number one, we have -- it appears
23 that this is a -- and -- and I might be wrong.

24 According to the numbers, it appears that this is
25 a typical gerrymandered Congressional Seat 6 where you

1 packed all of -- you went in under -- into Charleston
2 and pulled out areas of West Ashley and other areas in
3 North Charleston just to put blacks into Congressional
4 District 6.

5 And it creates a -- it looks like -- I don't know
6 what it -- it looks like a funky boot print that goes
7 into Congressional District 1.

8 SENATOR CAMPSSEN: Well, Senator, I can tell you
9 the statistics don't bear that out.

10 SENATOR MATTHEWS: Well, they don't, well, if you
11 look at --

12 SENATOR CAMPSSEN: Because -- because --

13 SENATOR MATTHEWS: Sorry.

14 SENATOR CAMPSSEN: Because of the 100,947 voting
15 age population that went from the First to the Sixth,
16 66 percent were white and 22 percent were black.

17 SENATOR MATTHEWS: Well, let's not -- since you
18 brought up that, let's -- what is the Biden --
19 Biden/Trump numbers from the First Congressional
20 District that you have?

21 SENATOR CAMPSSEN: Trump numbers are 54.39, and
22 the Cook Political Report has it at 52.1 Trump, so two
23 different sets of metrics. But within the margin of
24 error of poll -- of any poll.

25 SENATOR MATTHEWS: Okay. And so what's the

1 Democratic versus the Republican for the First
2 District as drawn and the way it was?

3 SENATOR CAMPSSEN: I'm not sure what -- which
4 metric are you wanting to use?

5 SENATOR MATTHEWS: Whatever one that was made
6 available to all the committee members, because I
7 don't necessarily believe that we had the different
8 metrics that you're referring -- that were presented
9 to our subcommittee. I just want to make sure we're
10 on the same page.

11 SENATOR CAMPSSEN: Well, the benchmark was 53.03.

12 SENATOR MATTHEWS: For?

13 SENATOR CAMPSSEN: Trump. That's the benchmark.
14 And under the amendment it's 54.39, so it's a little
15 over 1 percentage point change.

16 SENATOR MATTHEWS: So --

17 SENATOR CAMPSSEN: It's not a massive change.

18 SENATOR MATTHEWS: So --

19 SENATOR CAMPSSEN: So under the benchmark, the
20 Trump numbers in the First were 53.03. Under
21 Amendment 1, they're 54.39.

22 SENATOR MATTHEWS: Well, I'm going to tell you
23 where I have a big problem. The biggest problem I
24 have if -- if you're going to -- you -- I listened to
25 you carefully, and you said: Conservation issues is

1 an important issues. Constituent consistency.

2 It would appear that if we're going to go along
3 with the coastline being the First Congressional
4 District, and that's always been one of the things
5 that they've campaigned on and championed for, it
6 would appear that the least appropriate extension of
7 the congressional -- First Congressional District, the
8 last thing you would want to do would go up into
9 Berkeley.

10 Instead, you would want to go into Georgetown
11 because that is on the coast, and that would have
12 accomplished the numbers that you needed. But
13 instead, it appears that Congressional District Six is
14 broken up by that water pattern there. I assume that
15 is Santee where it separates Clarendon verse -- from
16 Calhoun. And you jump over to Santee Calhoun to take
17 the Sixth Congressional District into -- all the way
18 from Clarendon into Williamsburg.

19 SENATOR CAMPSSEN: Well, a big -- a big part of
20 Berkeley is currently in the First in the benchmark.
21 And as far as why -- why did these changes have to
22 happen is because you had -- you had about 80,000
23 people that the Sixth had to pick up. You had about
24 80,000 people that the First had to -- had to shed.

25 SENATOR MATTHEWS: And those 80,000 --

1 SENATOR CAMPSSEN: And that's why we had -- that's
2 why these changes are happening, because of the 14th
3 Amendment requirement of one man, one vote.

4 And unlike our districts where we can have a 5
5 percent variation, these districts -- when it comes to
6 congressional districts, a one person deviation is all
7 you can have, which makes it even much more -- more
8 difficult.

9 But when you have that type of population growth
10 in a -- in a district that is juxtapositioned next to
11 one that had about the same amount of population loss,
12 you're going to have -- you're going to have to have
13 some changes to comply with the 14th Amendment.

14 SENATOR MATTHEWS: Last question, Senator -- my
15 last -- next to the last question. My problem is
16 then -- and I understand the 1 percent deviation on
17 congressional maps.

18 SENATOR CAMPSSEN: It's one person, not 1 percent.

19 SENATOR MATTHEWS: One person deviation on
20 congressional maps, then that could also have been
21 accomplished by keeping Jasper -- keeping Hilton Head,
22 Sun City on the coast in the First Congressional
23 District, and giving -- and those 80,000 people were
24 there and available in Berkeley. Keep it -- that
25 could have gone to the Sixth Congressional District.

1 I mean, it's just -- just a matter of moving the
2 numbers. Isn't that correct?

3 SENATOR CAMPSSEN: Well, there are a lot of ways
4 you can draw a -- a reapportionment map, no matter
5 which -- whether it's congressional or state
6 legislative. That's for sure.

7 SENATOR MATTHEWS: This is my last question. But
8 you are exactly right, there are a lot of ways that
9 you could draw.

10 Am I correct in understanding that this
11 particular map that is -- that we're talking about
12 that House Plan to Senate Amendment 1 that you've just
13 presented to us, is this not the same map that was
14 presented and recommended by the National Republican
15 Party?

16 SENATOR CAMPSSEN: No. I've had --

17 SENATOR MATTHEWS: This is not the one that was
18 presented ins subcommittee?

19 SENATOR CAMPSSEN: I've had no -- I've had no
20 communication with them on redistricting.

21 SENATOR MATTHEWS: Well, that's not my question.

22 SENATOR CAMPSSEN: But I -- no, I --

23 SENATOR MATTHEWS: Is this the same one that was
24 presented at our House -- our Senate subcommittee
25 meeting when you were chair --

1 SENATOR CAMPSSEN: No, it's not.

2 SENATOR MATTHEWS: Okay. Okay. Thank you.

3 SENATOR CAMPSSEN: This is much improved over
4 that.

5 SENATOR MATTHEWS: Thank you.

6 SENATOR HARPOOTLIAN: Senator, let me make sure
7 we understand the land -- the legal landscape in 2021
8 and '22, as compared to 2010 and 2012. It is very
9 different, is it not?

10 SENATOR CAMPSSEN: The -- the -- what landscape?

11 SENATOR HARPOOTLIAN: The legal landscape, the
12 scrutiny, the legal -- the legal framework for these
13 reapportionment plans.

14 SENATOR CAMPSSEN: Versus 2010?

15 SENATOR HARPOOTLIAN: Yes.

16 SENATOR CAMPSSEN: There are some changes, yes.

17 SENATOR HARPOOTLIAN: Well, major changes.

18 SENATOR CAMPSSEN: There are some significant
19 changes.

20 SENATOR HARPOOTLIAN: So Section 3 -- Section 4
21 and 5 of the Voting Rights Act is no longer, is it --
22 isn't that correct?

23 SENATOR CAMPSSEN: That's correct.

24 SENATOR HARPOOTLIAN: And as a result, there's no
25 Justice Department preclearance, right?

1 SENATOR CAMPSSEN: That's correct.

2 SENATOR HARPOOTLIAN: There's no prohibition
3 against retrogression, given as long as it meets
4 Section 2 analysis, correct?

5 SENATOR CAMPSSEN: As long as the subject of that
6 analysis, that's correct.

7 SENATOR HARPOOTLIAN: So when we talk about
8 redistricting and -- you know, I don't need to bore
9 you with the history of how we got to the racial
10 preference issues beginning in 1988 with the Justice
11 Department insisting on minority/majority districts.
12 You would agree with me that this process began
13 30-something years ago, correct?

14 SENATOR CAMPSSEN: That -- that resulted in the
15 drawing of the first in the '90s? Yes.

16 SENATOR HARPOOTLIAN: Right.

17 SENATOR CAMPSSEN: It did.

18 SENATOR HARPOOTLIAN: And so with the with the
19 elimination of Section 4 and Section 5, we don't have
20 that kind of analysis. Really, all we have now is the
21 Gingles analysis. Are you familiar with the Gingles
22 case?

23 SENATOR CAMPSSEN: I'm familiar with the Gingles
24 case.

25 SENATOR HARPOOTLIAN: And so what you really want

1 to know is whether there is racial bloc voting, I
2 mean, in terms of adjusting these districts. I mean,
3 it's instead of worrying about what the percentage of
4 African American vote is, you want to know whether
5 there's racial bloc voting; is that correct? In other
6 words, will -- is there a group of white people that
7 would never vote for black people? And you can do
8 that, and that analysis is done all the time.

9 SENATOR CAMPSSEN: Is this the third Gingles test?

10 SENATOR HARPOOTLIAN: Is that correct?

11 SENATOR CAMPSSEN: That's -- generally, that's my
12 understanding of it.

13 SENATOR HARPOOTLIAN: Okay. Was there any racial
14 bloc voting analysis done? If so, by who? Was there
15 an expert? Typically, they're experts involved. Was
16 there any racial bloc voting analysis done in the --
17 in compiling this plan?

18 SENATOR CAMPSSEN: Well, that's not for -- that's
19 something that would happen if and when a plan is
20 litigated. As far as that analysis that -- I'm not
21 aware of that being done here, but that's something
22 that -- that would be what a -- a plaintiff, if they
23 were to file suit against this, would -- would provide
24 and argue.

25 SENATOR HARPOOTLIAN: Well, you -- well, I

1 understand that would be something raised by somebody
2 in a lawsuit. But assuming we're trying to avoid a
3 lawsuit, wouldn't it have been productive to get
4 racial bloc voting analysis done so that we all
5 understand whether or not to -- to in create -- in
6 creating this -- this --

7 SENATOR CAMPSSEN: Well --

8 SENATOR HARPOOTLIAN: -- plan, that that -- that
9 was not a factor that --

10 SENATOR CAMPSSEN: Well, I have it -- it would
11 have resulted in us perhaps taking race into account
12 and having racial targets, which would be --

13 SENATOR HARPOOTLIAN: Acceptable under Gingles?

14 SENATOR CAMPSSEN: No. That's -- that's an
15 analysis that -- that the Court is -- is to apply.
16 But we are -- we are to not take race primarily into
17 account in drawing this.

18 SENATOR HARPOOTLIAN: Primarily.

19 SENATOR CAMPSSEN: And I took it hardly at all
20 into account.

21 SENATOR HARPOOTLIAN: Well, but every -- every --

22 SENATOR CAMPSSEN: And it's up to -- it's up to up
23 to a Court if someone files an action to make that --
24 to do that analysis and do -- and make that claim.
25 But we don't want to get -- we don't want to draw

1 districts on the basis of race. We want to draw it on
2 the basis of -- of other redistricting principles.

3 SENATOR HARPOOTLIAN: So why do we have race in
4 any of this analysis? I mean, when I -- the analysis,
5 I've got page after page on all these plans.

6 SENATOR CAMPSSEN: The staff have -- I mean, they
7 -- they provide that.

8 SENATOR HARPOOTLIAN: Why?

9 SENATOR CAMPSSEN: As far as looking at drawing
10 districts, I didn't -- I didn't consider any of that.
11 I wanted them to tell me if we were in a -- if we had
12 any problems, you know, with --

13 SENATOR HARPOOTLIAN: But how would you --

14 SENATOR CAMPSSEN: -- Gingles or anything else.
15 But I wanted to be colorblind.

16 SENATOR HARPOOTLIAN: Well, but you weren't
17 colorblind, were you?

18 SENATOR CAMPSSEN: It can be a factor, but it's
19 not a predominant factor.

20 SENATOR HARPOOTLIAN: But if you had done --

21 SENATOR CAMPSSEN: A racial (indiscernible) would
22 factor --

23 SENATOR HARPOOTLIAN: -- a racial bloc voting
24 analysis, you would have -- you could have determined
25 whether or not race was a factor that -- that should

1 have been taken into consideration. If you did -- I
2 mean, if the analysis as it was in 1988 or '86 when I
3 ran for county council, virtually no white person
4 would vote for a black person, period, in Richmond
5 County.

6 And so that's why we went to single member
7 districts. That analysis was done. You don't think
8 we should have done that analysis before drafting this
9 plan? And if your answer is no, I'll move on.

10 SENATOR CAMPSSEN: Well, I know you wanted -- you
11 wanted that, but I think the subcommittee decided not
12 to do that.

13 SENATOR HARPOOTLIAN: I understand
14 (indiscernible).

15 SENATOR CAMPSSEN: It was not my decision, but it
16 was a subcommittee decision.

17 SENATOR HARPOOTLIAN: But in drafting this plan,
18 you did not take into consideration any racial bloc
19 voting analysis and --

20 SENATOR CAMPSSEN: We did not do that analysis, as
21 the subcommittee conclude -- decided that we would
22 not.

23 SENATOR HARPOOTLIAN: Right. So would that --
24 that idea to even do racial bloc analysis was rejected
25 by the subcommittee and, therefore, was not a

1 consideration in your plan, two plans. But -- but
2 there are two plans. In this plan, correct? Okay.

3 So let me move on to -- we talked about Gingles
4 and the radical change in the analysis being done by a
5 Court. This plan splits 10 counties, is that correct?

6 SENATOR CAMPSSEN: It's 13.

7 SENATOR HARPOOTLIAN: 13. Eight of those are in
8 the Sixth District, is that correct, Or bordering the
9 Sixth District? Eight of the 13.

10 SENATOR CAMPSSEN: I'd have to get you that
11 number. I'm not exactly sure at this point.

12 SENATOR HARPOOTLIAN: I looked at it. It looked
13 like eight to me.

14 SENATOR CAMPSSEN: Okay.

15 SENATOR HARPOOTLIAN: Eight --

16 UNIDENTIFIED SPEAKER: Counties.

17 SENATOR HARPOOTLIAN: -- counties split to
18 accommodate the plan's outline of Congressional
19 District Six. Eight of the -- eight of the 13.

20 SENATOR CAMPSSEN: Okay. Yeah, some staff says
21 it's eight.

22 SENATOR HARPOOTLIAN: And in -- for instance, in
23 -- you would agree with me that -- that the Sixth
24 District basically goes from the Atlantic Ocean to now
25 within a couple miles of Lake Murray; is that correct?

1 SENATOR CAMPSSEN: Well, it's not right on the
2 ocean, but close.

3 SENATOR HARPOOTLIAN: How -- how far --

4 SENATOR CAMPSSEN: From the harbor, from
5 Charleston Harbor.

6 SENATOR HARPOOTLIAN: I'm sorry. In our --
7 Midland's view, the harbor is the ocean.

8 SENATOR CAMPSSEN: From the coastal view, the
9 ocean is at -- east of the beach.

10 SENATOR HARPOOTLIAN: The water.

11 SENATOR CAMPSSEN: Yes.

12 SENATOR HARPOOTLIAN: Well, I mean, that's a --
13 but it goes from the Charleston Harbor to the Lake
14 Murray Marina. I mean, I guess it's for -- you're
15 looking for somebody with sea -- sea legs or ocean
16 background, water background, sailing background,
17 would be more suited because those two ends are where
18 you can sail a boat, right? I mean, it doesn't --

19 SENATOR CAMPSSEN: You can't really sail a boat up
20 at Lake Murray, but --

21 SENATOR HARPOOTLIAN: No, but you can sail a boat
22 in Lake Murray.

23 SENATOR CAMPSSEN: Yes, you can.

24 SENATOR RANKIN: Real quick, I'm going to
25 interrupt. You were stating that the number of county

1 splits was what in this plan -- in his plan?

2 SENATOR CAMPSSEN: 13.

3 SENATOR RANKIN: Perhaps you're right. Staff's
4 count is 10.

5 UNIDENTIFIED SPEAKER: 10 statewide.

6 SENATOR RANKIN: 10 statewide. Are you talking
7 about within the First Congressional District?

8 UNIDENTIFIED SPEAKER: No.

9 SENATOR HARPOOTLIAN: No, I'm saying 10
10 statewide, and Eight of the ten --

11 SENATOR RANKIN: Are in the Sixth?

12 SENATOR HARPOOTLIAN: In the Sixth. Am I correct
13 (indiscernible).

14 SENATOR RANKIN: In the existing benchmark,
15 they're nine.

16 SENATOR HARPOOTLIAN: Okay. Let's -- let's talk
17 about the existing benchmark.

18 SENATOR RANKIN: And I'm not trying to --

19 SENATOR HARPOOTLIAN: No, no.

20 SENATOR RANKIN: -- get buried in that minutia,
21 but, again, just for -- to correct the record, it's
22 ten and eight.

23 SENATOR HARPOOTLIAN: Right, right.

24 SENATOR RANKIN: Okay.

25 SENATOR HARPOOTLIAN: So -- so the -- let's talk

1 about the existing --

2 SENATOR RANKIN: Talk into your mic. There's a
3 Senator in the front can't hear you. Please, sir.

4 SENATOR HARPOOTLIAN: Which one?

5 SENATOR RANKIN: The One that is most important
6 for you at this moment.

7 SENATOR HARPOOTLIAN: So we have this concept
8 apparently in this plan that what -- what -- I mean,
9 they're core constituencies, I understand that, but
10 that we shouldn't -- we should minimize changing the
11 -- a plan that was approved in 2012; is that correct?

12 SENATOR CAMPSSEN: Well, no, I -- it's just an
13 application of the constituent consistency of a
14 district, that that's a reapportionment principle that
15 you have -- honor lines that have previously been
16 established. And -- and the -- and the district has
17 changed over time, but it's changed on the margins
18 over time is what's happened.

19 SENATOR HARPOOTLIAN: Well, there's some dispute
20 about that. But more importantly, you would concede,
21 I assume --

22 SENATOR CAMPSSEN: And with the population, you
23 have to have a lot of -- more change with the
24 population growth.

25 SENATOR HARPOOTLIAN: You would concede that old

1 plan, the benchmark plan, was the product of Justice
2 Department preclearance, 2000 (indiscernible)?

3 SENATOR CAMPSSEN: It was -- it was a three-judge
4 panel that approved it in the Bacchus decision.

5 SENATOR HARPOOTLIAN: (Indiscernible) included a
6 Justice Department review and then a -- a judicial
7 panel?

8 SENATOR CAMPSSEN: Yeah. You had a Justice
9 Department preclearance requirement at that time. And
10 -- and -- and then it was after that was accomplished,
11 it was litigated and upheld by a three-judge panel.

12 SENATOR HARPOOTLIAN: But we don't -- we're not
13 operating under those constraints anymore, are we,
14 with Section 4 and 5 gone? (Indiscernible) --

15 SENATOR CAMPSSEN: But you're still subject to
16 Section 2.

17 SENATOR HARPOOTLIAN: Section 2.

18 SENATOR CAMPSSEN: But yeah, but the preclearance
19 part is not there.

20 SENATOR HARPOOTLIAN: Right. Well, not only the
21 preclearance part, but the input of the Justice
22 Department, and the likelihood of litigation is much
23 less under -- under the current -- the current scheme,
24 right, because all that's left is Section 2.

25 SENATOR CAMPSSEN: I wouldn't say that. It may be

1 more, actually.

2 SENATOR HARPOOTLIAN: Well, if you draw plans
3 like this, it is. So my -- I guess -- I'm sorry.
4 Going too long?

5 What I'm trying to get at is this. Honoring a
6 plan which was constructed under law that no longer
7 exists is what -- is what the benchmark plan is. The
8 benchmark plan was drawn by the courts in concert with
9 inter -- inter -- a plan that had been criticized by
10 the Justice Department; is that correct?

11 SENATOR CAMPSSEN: Well, it was upheld by a Court
12 in 2012, as recently as 2012.

13 SENATOR HARPOOTLIAN: Right. So they blessed it.
14 But the plan was as a result of Justice Department
15 objections or not?

16 SENATOR CAMPSSEN: In 2012?

17 SENATOR HARPOOTLIAN: Yes.

18 SENATOR CAMPSSEN: I -- I don't think so, but I'm
19 not certain about that.

20 SENATOR HARPOOTLIAN: I guess what I'm saying is
21 this, this is the first time we haven't had to worry
22 about retrogression, correct?

23 SENATOR CAMPSSEN: You still have to worry about
24 retrogression.

25 SENATOR HARPOOTLIAN: Only under a Section 2

1 analysis.

2 SENATOR CAMPSSEN: Well, yes.

3 SENATOR HARPOOTLIAN: And you can't really tell
4 about that unless you've done racial bloc voting
5 analysis, but we're not going to go back through that
6 again, because you can't do the Section 2 analysis.

7 SENATOR MALLOY: It appears the court reporter is
8 having a little bit difficulty hearing.

9 THE COURT REPORTER: No, it's good. It's just
10 when you completely turn your face away.

11 SENATOR HARPOOTLIAN: I was -- I was just -- I
12 was brought up to look at people when I talk to them.

13 SENATOR MALLOY: If she brought up -- they've got
14 to record this.

15 THE COURT REPORTER: I feel you, but I've just
16 got to get it down.

17 SENATOR HARPOOTLIAN: Well, I'll speak much
18 louder then.

19 UNIDENTIFIED SPEAKER: Maybe what you're saying
20 is --

21 SENATOR HARPOOTLIAN: Senator Talley is -- is --
22 whatever he can tolerate.

23 UNIDENTIFIED SPEAKER: All right. Senator
24 Harpootlian.

25 SENATOR HARPOOTLIAN: Okay. So -- and it's

1 interesting to me, continuity is -- is a issue, a
2 standard we're looking at, right?

3 SENATOR CAMPSSEN: Yes.

4 SENATOR HARPOOTLIAN: And you would agree that in
5 your plan, you -- there is a -- let me make sure I
6 don't get this wrong. But there is a part of the --
7 your plan in which the contiguity is met by crossing
8 the Cooper River; is that correct?

9 SENATOR CAMPSSEN: Well, yes. And you -- that's
10 -- that's something that's a characterization that's
11 endemic to the Lowcountry. We have rivers all over
12 the Lowcountry. But communities -- but communities
13 still are considered the same community, even though
14 they cross a bridge, they drive across the bridge.

15 SENATOR HARPOOTLIAN: Did you look at -- did you
16 analyze whether or not you could meet that same --
17 those necessities by using land, rather than water?
18 Is there any analysis, written analysis?

19 SENATOR CAMPSSEN: It's very difficult in the
20 Lowcountry.

21 SENATOR HARPOOTLIAN: But has that -- was that
22 analysis done?

23 SENATOR CAMPSSEN: That was considered. But
24 again, in the Lowcountry it's almost -- it's just a
25 function of geography and nature.

1 SENATOR HARPOOTLIAN: So are there -- by the way,
2 is there written communications or analysis done by
3 staff on this plan that you were -- that you were
4 given? For instance, why you go by water rather than
5 land.

6 SENATOR CAMPSSEN: I have nothing. I know that
7 water continuity is permitted under the
8 reapportionment principles, but that's -- that's the
9 only written document.

10 SENATOR HARPOOTLIAN: But no analysis -- no
11 analysis of whether meeting the same goals could have
12 been done by crossing land rather than water?

13 SENATOR CAMPSSEN: Well, if you don't cross water
14 in Charleston, you're going to end up with districts
15 that go --

16 SENATOR HARPOOTLIAN: So your answer's
17 (indiscernible).

18 SENATOR CAMPSSEN: -- all the way to Newberry
19 County probably.

20 SENATOR HARPOOTLIAN: So your answer -- your
21 answer would be no?

22 SENATOR CAMPSSEN: No to what question?

23 SENATOR HARPOOTLIAN: If there was no analysis of
24 -- could you meet the same goals by crossing land
25 rather than water.

1 SENATOR CAMPSSEN: Well, there were at times
2 discussions about that, but --

3 SENATOR HARPOOTLIAN: Where?

4 SENATOR CAMPSSEN: Where geographically?

5 SENATOR HARPOOTLIAN: No. I mean, I wasn't privy
6 to any discussion.

7 SENATOR CAMPSSEN: Well, I mean, in -- I've
8 discussed -- you spent time with staffs discussing,
9 you know, maps, and I have as well, so.

10 SENATOR HARPOOTLIAN: (Indiscernible).

11 SENATOR CAMPSSEN: I know you have -- you have
12 your own map you're going to present, but --

13 SENATOR HARPOOTLIAN: Yeah. I had to pay
14 somebody to do it.

15 SENATOR CAMPSSEN: Yeah.

16 SENATOR HARPOOTLIAN: But that's okay.

17 SENATOR CAMPSSEN: You didn't have to, Senator,
18 but --

19 SENATOR HARPOOTLIAN: Oh, I think so. I think I
20 had to because we are about to do something,
21 perpetuate a racist scheme for the next 10 years,
22 which we had to live with. One of the reasons I
23 ran -- the major reason I ran for the Senate was that
24 we would not replicate this race-based gerrymandering,
25 and that's what this plan does.

1 SENATOR RANKIN: All right, Senator. Questions,
2 please.

3 SENATOR HARPOOTLIAN: Well, he asked me. I'm
4 responding.

5 SENATOR RANKIN: All right. So any more
6 questions?

7 SENATOR HARPOOTLIAN: I do.

8 SENATOR RANKIN: All right.

9 SENATOR HARPOOTLIAN: So -- and I'm going to wrap
10 this up fairly quickly. I know you'll be happy to
11 hear.

12 How many municipal boundaries were -- were
13 divided under your plan?

14 SENATOR CAMPSSEN: Let me get that data. 13.

15 SENATOR HARPOOTLIAN: 13. Can -- could it have
16 been less? Could you have designed a plan with less
17 municipal divisions?

18 SENATOR CAMPSSEN: It's 22. Well, you --
19 theoretically, I'm sure you could always devise a plan
20 with -- with less splits. That'd be possible, but --

21 SENATOR HARPOOTLIAN: You would agree with me
22 that our guidelines were that we should attempt to
23 divide count -- not attempted to avoid abiding --
24 dividing counties, municipalities, and precincts?

25 SENATOR HUTTO: (Speaking sotto voce.)

1 SENATOR CAMPSSEN: Okay. Splits wholly within a
2 county are only seven. Okay. Under the Senate
3 Amendment 1 under the benchmark, there are eight. So
4 if you try to keep counties -- to the extent you keep
5 counties whole, you necessarily split some
6 municipalities. So it's seven under the benchmark,
7 eight under this plan when you -- when you deal
8 with --

9 SENATOR HUTTO: Eight existing, seven --

10 SENATOR CAMPSSEN: Eight existing, seven under
11 this plan. When -- when you deal with counties that
12 are wholly within -- within a county.

13 SENATOR HARPOOTLIAN: Cities wholly within a
14 county, but --

15 SENATOR CAMPSSEN: I mean cities wholly within a
16 county, correct.

17 SENATOR HARPOOTLIAN: But when you look at --
18 you've split counties and cities. How many total
19 cities are split? 22, right?

20 SENATOR CAMPSSEN: There's -- there's 22 in this
21 and 19 in the benchmark.

22 SENATOR HARPOOTLIAN: And all that ties back into
23 the benchmark? You're looking at the benchmark as --
24 I mean, if you could have not changed the benchmark,
25 that would have been great, right?

1 SENATOR CAMPSSEN: No.

2 SENATOR HARPOOTLIAN: I mean, it's the benchmark.

3 SENATOR CAMPSSEN: Then you have some cities that
4 are split when you follow rivers too. I mean, you
5 have Casey is that way, Charleston's that way.

6 SENATOR HARPOOTLIAN: So but you would agree with
7 me that the portions of Charleston that are not
8 contained -- that are -- that are shifted to the Sixth
9 District have basically African -- significant African
10 American population, correct?

11 SENATOR CAMPSSEN: No, no. Again, I'll say that
12 the --

13 SENATOR HARPOOTLIAN: So why were they -- why --
14 why are they in the Sixth District?

15 SENATOR CAMPSSEN: The voting age population that
16 went from the First to the Sixth?

17 SENATOR HARPOOTLIAN: Not that went from -- no,
18 because it was already in the Sixth. I'm talking
19 about what -- the population in Charleston County that
20 went to the Sixth, what's the African American or
21 black voting age population of that piece, whether it
22 was in the Sixth before or not?

23 If you --if you take the position that dividing
24 Charleston was bad in 2012 and -- and you're
25 perpetuating that in this, you can't look at what was

1 shifted, what is there? What -- if you look at
2 Charleston County and the piece of Charleston County
3 that you propose to put in the Sixth, what's the
4 African American population percentage?

5 SENATOR CAMPSSEN: Yeah, it's -- it's about 50/50.
6 I get the staff to give the number.

7 SENATOR HARPOOTLIAN: The piece is about 50/50,
8 as opposed to the whole county. The proportion of
9 African American voters in that piece is higher than
10 it is in the county in total; is that correct?

11 SENATOR CAMPSSEN: In the -- the --

12 SENATOR HARPOOTLIAN: No.

13 SENATOR CAMPSSEN: The percentage that are in the
14 Sixth is higher than the percentage in the county as a
15 whole?

16 SENATOR HARPOOTLIAN: Yes. African American
17 population.

18 SENATOR CAMPSSEN: It's -- isn't that it? Is that
19 the figure there?

20 SENATOR KIMPSON: Charleston County is about 30
21 -- 30 percent black.

22 SENATOR HARPOOTLIAN: And this -- and according
23 to what we just heard, the piece that is in the Sixth
24 District under this plan is 50/50. So significantly a
25 higher percentage of African American population being

1 put into the Sixth.

2 SENATOR RANKIN: But -- and perhaps I'm wrong on
3 this, but I'm told -- again, not to get to your point.
4 But if the sense is that moving those -- that
5 population was a racial-motivated decision, I'm told
6 that the -- it wasn't moving blacks only. It was
7 moving white and Black and both Democratic performing
8 population but not based on a racial split.

9 SENATOR HARPOOTLIAN: Well, the Court will look
10 at the numbers. We don't have to hash that out today.

11 SENATOR RANKIN: So for that -- in that point,
12 let's move on so we don't get tied up on the 50/50.
13 Okay?

14 SENATOR HARPOOTLIAN: Okay.

15 SENATOR CAMPSSEN: The Charleston County VBAP, is
16 that what you're asking, Senator?

17 SENATOR HARPOOTLIAN: Yes.

18 SENATOR HUTTO: In District 6 --

19 SENATOR CAMPSSEN: In District Six is 31.18
20 percent.

21 SENATOR HARPOOTLIAN: As drawn by you?

22 SENATOR CAMPSSEN: Under this amendment, yes.

23 SENATOR HARPOOTLIAN: Okay. And what is the
24 county as a whole?

25 SENATOR HUTTO: 22 percent.

1 SENATOR CAMPSSEN: 22 percent.

2 SENATOR HARPOOTLIAN: So it's 22 percent, county
3 as a whole. 31 percent of the district's -- of
4 Congressional District Six piece. So it -- it would
5 be -- right. I mean, it's the proportion is what I'm
6 interested in.

7 It's -- so it's -- the piece in the Sixth
8 District is significantly more African American than
9 the county as a whole? Yes?

10 SENATOR CAMPSSEN: 10 percent more.

11 SENATOR HARPOOTLIAN: 10 percent is significant.
12 When we start doing the budget, trust me, it'll be
13 significant. Okay.

14 Let me make one last point, and that is this. In
15 -- no, strike that. I don't have one last point. I'm
16 done.

17 SENATOR MALLOY: Mr. President, Mr. Chairman.
18 Pardon the inquiry, so we have another committee
19 that's going on. How many proxies do we have?

20 SENATOR RANKIN: Well, we got a majority here
21 now, but then we've got a number of proxies that are
22 ready to (indiscernible).

23 SENATOR MALLOY: I heard from the Senator from
24 Orangeburg.

25 UNIDENTIFIED SPEAKER: Six -- six proxies.

1 SENATOR MALLOY: So and the -- my next -- my next
2 parliamentary inquiry, it just seems as -- seems as
3 though that we've been here now an hour and 10
4 minutes, and the conversation has largely been amongst
5 the subcommittee members.

6 And so my question is, is that: Were there any
7 votes taken on either of these amendments in the
8 subcommittee?

9 SENATOR RANKIN: We advanced both plans to have
10 fuller debate here, and I think we're about to be
11 finished with that debate, unless there's other
12 questions. I'm not trying to cut anybody off.

13 UNIDENTIFIED SPEAKER: (Indiscernible) .

14 SENATOR MALLOY: Was there -- but was there a
15 vote on the --

16 (Indiscernible cross-talk.)

17 SENATOR MALLOY: Okay. It's my question. It's
18 my question. My question was is that was there a vote
19 on this in the subcommittee, or did you just say
20 advance the -- if you advanced it, that's fine. I
21 just want to know. Okay. Okay.

22 And so -- and so I'm getting to the point as to
23 what the -- the plan today is to -- is to -- is to
24 vote on both of these amendments today and then carry
25 them on to the floor.

1 SENATOR RANKIN: Correct.

2 SENATOR MALLOY: Okay. And so is there any
3 wisdom in the process that, as it was described to us
4 today, is to have some discussion here, carry these
5 over to the floor because one thing that I'm -- I'm
6 very conscious of is, is that finance committee has
7 not -- would not have a chance to vote but one time.

8 We on this committee get a chance to end up
9 voting once under normal procedures. We'll get at
10 least second and third reading in the posture that we
11 have this bill in today. We get one vote on the
12 congressional plan.

13 I just want to make certain that, one, that we
14 have a chance to -- to fully vet this out,
15 understanding -- I think we can all -- I understand
16 where it may end up. But I just want to make certain
17 that we're -- that we're careful as we're going
18 forward because what we're doing, the process is is
19 that we get -- we get a chance to vote once.

20 We normally get a second and third reading on the
21 floor. This time, we only get one vote, and then it's
22 -- the bill is sent back to the House.

23 And so is there any wisdom into -- into having
24 this discussion? And obviously, we do whatever you --
25 whatever you end up saying. But I think that is there

1 any wisdom in having this full discussion here, which
2 it seems to be engaging to some extent, and then --
3 and then carrying these amendments over in -- in case
4 there's something else that happens on the floor?

5 SENATOR RANKIN: Well, the plan would be, again,
6 respectfully to all members, that we either have some
7 more conversation and question and exchange on this
8 plan and then Senator Harpootlian's plan today and
9 that we vote today.

10 And no bar for any member not on the
11 subcommittee, but otherwise, finance committee or
12 elsewhere, to offer their own amendments on the floor.
13 It won't be one and done unless we all decide that it
14 needs to be a one and done. There will be ample
15 opportunity to continue this on the floor, so if
16 the --

17 SENATOR MALLOY: Right. So but -- and the point
18 I just wanted to make and -- and then I can get back
19 to discussion is that this is a bill returned from the
20 -- from the House, Senate bill, and so we don't get
21 second and third reading on the floor. We get just
22 the reading on the floor.

23 And so there will be -- part of our process is is
24 that normally we will end up getting a second and
25 third reading. And so the curious point is is that if

1 we -- if we carry them over, we have the -- the
2 discussion on the floor again in which it will be a
3 discussion on the floor; or will the one that does not
4 pass, then will it be reintroduced on the floor again?

5 UNIDENTIFIED SPEAKER: (Indiscernible).

6 SENATOR MALLOY: Okay.

7 SENATOR RANKIN: So my goal, and for the record's
8 purposes, we need to vote on these day today or at
9 whatever time the committee decides to. My hope would
10 be today.

11 SENATOR MALLOY: And is he -- and is he -- and
12 I'm -- I want to get to this transportation meeting.
13 But is the intent to take this bill up on the Senate
14 floor today?

15 SENATOR RANKIN: I don't know how we can do that.

16 SENATOR MALLOY: Okay. I would encourage us not
17 to.

18 SENATOR RANKIN: Somebody can raise the point.

19 SENATOR MALLOY: Okay.

20 SENATOR RANKIN: We are not under the court --
21 the early court order of a January 18th deadline. We
22 would like to make efficient work of this, but there's
23 not going to be any hurry to preclude amendments.

24 SENATOR MALLOY: Right.

25 SENATOR RANKIN: And floor discussion.

1 SENATOR MALLOY: I think that -- and that
2 deadline --

3 SENATOR RANKIN: Which will come in full or
4 fashion later.

5 SENATOR MALLOY: And as a point of clarity, that
6 deadline was -- was 18 -- the 18th, which was
7 yesterday. And so but we still want to move as
8 quickly as possible beyond that deadline, even -- even
9 though we think that -- that they may be debating --
10 they may end up debating, having another plan before
11 them now. So we're not in real jeopardy of getting
12 our plan out, if it's -- if it's not today.

13 SENATOR RANKIN: Correct.

14 SENATOR MALLOY: Okay.

15 SENATOR RANKIN: All right. Senator -- any other
16 questions of Senator Campsen? Oh, Senator Sabb?

17 SENATOR SABB: Thank you. Thank you,
18 Mr. Chairman. Does the Senator from Charleston yield?

19 UNIDENTIFIED SPEAKER: Yes.

20 SENATOR SABB: Senator, of course, you and I both
21 sat on the subcommittee. And would you agree with me,
22 particularly in the last hearing that we had, that the
23 vast majority of the comments that we had centered
24 around the question as to whether or not Charleston
25 ought be whole and whether or not the plan and -- and

1 specifically the plan that's before us now ought be
2 the operative plan because of the -- what do you call
3 it, the tri-county group, Berkeley, Charleston, and --
4 and Dorchester and their economic relationship.

5 Would you agree with me that the vast majority of
6 the comments that we had related to whether we ought
7 to go with your plan because it maintains those three
8 counties together and their economic interests that
9 they've fostered over the years versus whether or not
10 we ought to keep Charleston whole?

11 SENATOR CAMPSSEN: Well, during the Zoom meeting
12 testimony --

13 SENATOR SABB: Yes, sir.

14 SENATOR CAMPSSEN: -- that might have -- that was
15 -- a majority did that, voted -- or expressed opinions
16 in that fashion. Although we -- we also have a lot of
17 input from e-mails and other way -- other -- and
18 letters and that have equal weight. Just because you
19 weren't on the Zoom meeting -- the Zoom meeting is not
20 weighted heavier.

21 And so I -- it's my understanding we have a lot
22 of diverse opinions on that, that -- which one is
23 weighted more, I'm not completely sure. But I do know
24 that there is a lot more input from folks who like
25 being represented by two members of Congress instead

1 of one because two advocates is better than one.

2 I mean, I've heard that from -- from constituents
3 as well. So we can't let the Zoom meeting be the --
4 the final -- the final determination of what type of
5 input the public wants because I understand there's a
6 lot of other input that's received electronically.

7 SENATOR SABB: And Senator, do you know that I --
8 I agree with you and -- and appreciate that. And I
9 guess my question would be whether or not -- and I
10 know you've identified one other idea, and that is the
11 idea of being represented by two congressmen as
12 opposed to one.

13 But did the vast majority of the written
14 communication center around a desire to either keep
15 those three counties together or keep Charleston
16 whole? I mean, so were those fairly consistent with
17 what we heard on the Zoom call?

18 SENATOR CAMPSSEN: I really can't answer that. I
19 know there's been a lot of input --

20 SENATOR SABB: Okay.

21 SENATOR CAMPSSEN: -- both ways. But I -- but
22 there has been -- and I have heard from folks who want
23 to keep -- who don't want Berkeley and Dorchester
24 County to be in the Seventh District, for example,
25 because they have a real connection with the

1 tri-county area. It's -- it's an integrated economy.

2 And so I have received a lot of input from that, and I
3 think the staff has as well.

4 SENATOR SABB: Yes, sir. And, of course,
5 Senator, under your current plan Charleston is split.
6 It's divided. Is that correct?

7 SENATOR CAMPSSEN: Yeah. That's the way it's been
8 since 1990.

9 SENATOR SABB: Yes, sir.

10 SENATOR CAMPSSEN: It is. And it's also the way
11 Richland is and -- and as far as the county goes,
12 Greenville and Spartanburg as well. All the
13 municipal, high population municipal MSAs share
14 that --

15 SENATOR SABB: And, Senator, you --

16 SENATOR CAMPSSEN: -- characteristic.

17 SENATOR SABB: Yes, sir. And did you know that
18 one of the things that struck me, coming from one of
19 the citizens in the Charleston area, was how the plan
20 splits West Ashley and that the comment, by at least
21 one of the gentlemen that is qualified to do an
22 analysis on these plans, concluded that the only
23 explanation that he could have for that was the fact
24 that race was an -- an overriding factor?

25 SENATOR CAMPSSEN: Well, it doesn't -- the House

1 plan may have done that, but the Senate plan did not
2 split West Ashley. I mean, it -- it followed the
3 Stono River which keeps -- keeps James Island and the
4 Sea Islands basically in a --

5 SENATOR SABB: I may have misunderstood that.

6 SENATOR CAMPSSEN: And West Ashley in the -- in
7 the Sixth.

8 SENATOR SABB: Okay. Thank you, Senator.

9 SENATOR RANKIN: Other questions of Senator
10 Campsen? All right.

11 Would there be a motion on behalf of.

12 SENATOR KIMPSON: Mr. Chairman? Mr. Chairman?

13 SENATOR RANKIN: Senator Kimpson.

14 SENATOR KIMPSON: I'll be very brief,
15 Mr. Chairman. Does the Senator yield for questions,
16 Senator Campsen?

17 SENATOR CAMPSSEN: Yes.

18 SENATOR KIMPSON: Senator, did you know as the
19 Senator who represents more people than anybody else
20 in the General Assembly from Charleston -- and I'm
21 speaking of myself -- the people of Charleston want to
22 be kept whole. Did you know that?

23 SENATOR CAMPSSEN: Not -- it's not a unanimous
24 decision, Senator, I know that.

25 SENATOR KIMPSON: Thank you, Mr. Chair.

1 SENATOR RANKIN: All right. Thank you. Now,
2 would there be any other questions of full committee
3 members? If not, entertain a motion on behalf of
4 Senator Campsen's plan.

5 SENATOR MALLOY: Mr. President.

6 SENATOR RANKIN: Still --

7 SENATOR MALLOY: Mr. Chairman.

8 SENATOR RANKIN: Yes, sir. Senator Malloy.

9 SENATOR MALLOY: So I -- so I'm looking around
10 here, and again, I go back to the point that we
11 have -- that we've had some discussion here for
12 another hour and 15 minutes, and mostly amongst this
13 subcommittee.

14 I would respectfully move that we carry both of
15 these amendments over and that we take them up on the
16 floor. It's no prejudice to anyone. I mean, it's
17 obvious what's happening here. The record -- the
18 record is going to reflect the will of this committee.

19 And I don't see the benefit of -- of actually
20 just having a vote just to have a vote for this
21 whenever -- whenever we're going to end up having the
22 vote on the floor anyway. And it joins in with the
23 members of the Finance Committee, which would be the
24 entire Senate.

25 And so this will be one of only two amendments

1 possibly that we will have. We've had -- we had a
2 detailed discussion here. We have to -- we're going
3 to have the same discussion on the floor. We're going
4 to have to have a debate on the floor again. It is a
5 vote on the floor, which would include the other
6 23 people. And so we know that we have -- we are
7 finite here, and so -- so with that, I would move to
8 carry both amendments over.

9 SENATOR RANKIN: Motion. Any second?

10 UNIDENTIFIED SPEAKER: Second.

11 UNIDENTIFIED SPEAKER: Second.

12 SENATOR RANKIN: All right. And respectfully,
13 now, motion -- motion under discussion. If I may,
14 respectfully, no different than the Finance Committee
15 subcommittee's work going to the full -- again, I
16 think we owe the subcommittee members a vote on their
17 work.

18 No prejudice. Again, that you vote for a bill
19 today doesn't mean you can't vote against it on the
20 floor. Procedurally, I think we need a vote because I
21 can't imagine Senator Peeler, Finance Committee
22 Chairman, effectively saying in the open floor debate
23 about a budget: We didn't take a vote. Again, no
24 harm either way.

25 So again, I would respectfully urge us to take

1 these up, vote, whatever amendments come. Again,
2 we've got a motion now for one, but to your point -- I
3 want to insist on that.

4 SENATOR MALLOY: Yeah. Let me -- let me withdraw
5 it so we can have a little -- little discussion on it
6 so because normally no -- no -- no -- no debate on the
7 carry of a motion, so withdraw it temporarily.

8 The reason, though, is is that there was no vote
9 in the subcommittee. And so if there was an
10 opportunity for -- to -- for casting votes, if there's
11 no vote in in the subcommittee, I don't know. I don't
12 know.

13 SENATOR SABB: Senator, if (indiscernible) will
14 permit, there was a vote in subcommittee. I just
15 wanted you to know that.

16 SENATOR MALLOY: I was just told that it was
17 advanced, and then --

18 SENATOR SABB: That would not be accurate.

19 SENATOR MALLOY: Well -- well, you know, you did
20 vote in a subcommittee? And what was the vote?

21 UNIDENTIFIED SPEAKER: Unanimous to advance --

22 UNIDENTIFIED SPEAKER: Both of them.

23 SENATOR MALLOY: Okay. So there was a vote in
24 the subcommittee.

25 UNIDENTIFIED SPEAKER: For one or the other --

1 SENATOR MALLOY: So then that goes even further,
2 then, of the necessity to end up having -- having one
3 here when we're going to have the same debate again.
4 And with that, I just respectfully move to carry --
5 carry -- carry it over.

6 SENATOR RANKIN: All right. All in favor of the
7 motion to carry over, say aye.

8 MULTIPLE SPEAKERS: Aye.

9 SENATOR RANKIN: All right. Those in opposition,
10 say aye -- or nay -- nay.

11 MULTIPLE SPEAKERS: Nay.

12 SENATOR RANKIN: Nay. Does -- do you request
13 a -- all right. Motion fails.

14 Senator Campsen, you have a motion?

15 SENATOR CAMPSSEN: I have a motion to adopt Senate
16 Amendment 1.

17 SENATOR RANKIN: Is there a second?

18 UNIDENTIFIED SPEAKER: Second.

19 SENATOR RANKIN: All right. Second.

20 All in favor say aye.

21 MULTIPLE SPEAKERS: Aye.

22 SENATOR RANKIN: And those in opposition say nay?

23 MULTIPLE SPEAKERS: Nay.

24 SENATOR RANKIN: Do we need a show of hands?

25 UNIDENTIFIED SPEAKER: Yes.

1 SENATOR RANKIN: All right. So let's show of
2 hands and proxies. First, show of hands in support of
3 Senator Campsen's amendment, please raise your right
4 hand, left hand, whichever, both hands, pick your --
5 all right.

6 UNIDENTIFIED SPEAKER: Eight.

7 SENATOR RANKIN: Eight present. Proxies?

8 UNIDENTIFIED SPEAKER: I have -- may I see --

9 UNIDENTIFIED SPEAKER: I have Kimbrell.

10 SENATOR RANKIN: So Kimbrell votes aye.

11 UNIDENTIFIED SPEAKER: Massey, aye. Climer, aye.

12 UNIDENTIFIED SPEAKER: Johnson.

13 UNIDENTIFIED SPEAKER: Aye.

14 UNIDENTIFIED SPEAKER: Aye. Aye.

15 SENATOR RANKIN: All right. Ernst & Young
16 accounting firm. In a second. All right. By a vote
17 of 13 in support. Now let's count the nay votes again
18 and proxies.

19 UNIDENTIFIED SPEAKER: Hutto votes negative.

20 SENATOR RANKIN: Senator Kimpson, you're voting
21 nay as well?

22 SENATOR KIMPSON: Nay. Nay.

23 UNIDENTIFIED SPEAKER: Mia is voting nay.

24 SENATOR RANKIN: Mia, Senator McLeod, is voting
25 as well. She votes nay.

1 UNIDENTIFIED SPEAKER: (Indiscernible).

2 SENATOR RANKIN: By vote of --

3 SENATOR MALLOY: Senator from Orangeburg, I have
4 his proxy, and he votes no.

5 SENATOR RANKIN: We think by a vote of 13 to
6 eight.

7 SENATOR MALLOY: And also my vote is no.

8 SENATOR RANKIN: All right. So that motion
9 advances.

10 Are there any other amendments that would be
11 proposed today? Senator Harpootlian.

12 SENATOR HARPOOTLIAN: Mr. Chairman, the proposal
13 labeled 2A I'm going to withdraw from committee
14 consideration, reserving my right to present an
15 amendment on the floor.

16 SENATOR RANKIN: Okay. And so, again, as we have
17 -- we all say it. We all wonder what it means. You
18 got many more bites of the apple that you're not
19 attempting it here at the full committee. And so --
20 an apple, an orange, pick your --

21 SENATOR HARPOOTLIAN: Banana.

22 SENATOR RANKIN: A banana, whichever. So we've
23 got a revision of the vote with Senator Kimbrell's
24 proxy. It is 14 to 8. So Ernst & Young will certify
25 these in June.

1 So would there be a motion on to the bill now as
2 amended?

3 SENATOR MALLOY: I use the same vote,
4 Mr. Chairman.

5 SENATOR RANKIN: All right.

6 SENATOR HARPOOTLIAN: Unanimous consent to the
7 same vote?

8 SENATOR RANKIN: All right. Unanimous consent
9 motion made, seconded that we use the same outcome of
10 the last vote. All in favor say aye.

11 MULTIPLE SPEAKERS: Aye.

12 SENATOR RANKIN: Any opposition to that? All
13 right. By a vote of 14 to 8, the Bill 965 will
14 advance, and we will see you on the floor shortly.
15 Thank you all so much.

16

17 * End of Recording *

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C E R T I F I C A T E

I, Robin L. Deal, Florida Professional Court
Reporter and Transcriptionist, do hereby certify that I
was authorized to and did listen to and transcribe the
foregoing recorded proceedings and that the transcript is
a true record to the best of my professional ability.

Dated this 20th day of January, 2022.



ROBIN L. DEAL